

**SENATE . . . . . No. 1091**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Marc R. Pacheco***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act establishing a board of registration in naturopathy.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>
<i>Stanley C. Rosenberg</i>	<i>Hampshire, Franklin and Worcester</i>
<i>John V. Fernandes</i>	<i>10th Worcester</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Daniel B. Winslow</i>	<i>9th Norfolk</i>

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By Mr. Pacheco, a petition (accompanied by bill, Senate, No. 1091) of Marc R. Pacheco, Stanley C. Rosenberg, John V. Fernandes, James B. Eldridge and other members of the General Court for legislation to establish a board of registration in naturopathy. Public Health.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 1158 OF 2011-2012.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Thirteen**  
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An Act establishing a board of registration in naturopathy.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 13 of the General Laws is hereby amended by adding the following  
2 section:

3 Section 101. (a) There shall be within the division of professional licensure a board of  
4 registration in naturopathy which shall consist of the chairman of the board of registration in  
5 medicine or his designee, the commissioner of public health or his designee and 7 persons to be  
6 appointed by the governor, 5 of whom shall be naturopathic doctors who have attended and  
7 graduated from an approved naturopathic college that is accredited, or is a candidate for  
8 accreditation, by the Council of Naturopathic Medical Educators or its successor, who have at  
9 least 5 years of experience in the practice of naturopathic health care and who shall be licensed  
10 under section 239 or 241 of chapter 112; 1 of whom shall be a physician licensed to practice  
11 medicine under section 2 of chapter 112 with experience working with naturopathic doctors and  
12 1 of whom shall be a clinical pharmacologist. The appointed members shall serve for terms of 3  
13 years. Upon the expiration of a term of office, a member shall continue to serve until a successor  
14 has been appointed and qualified. No member shall serve for more than 2 consecutive terms, but  
15 a person who is chosen to fill a vacancy in an unexpired term of a prior board member may serve  
16 for 2 consecutive terms in addition to the remainder of that unexpired term. A member may be  
17 removed by the governor for neglect of duty, misconduct or malfeasance or misfeasance in the

18 office after a written notice of the charges against him and sufficient opportunity to be heard  
19 thereon.

20 (b) The board shall annually elect from its membership a chair and a secretary who shall  
21 serve until their successors have been elected and qualified. The board shall meet at least 4 times  
22 annually and may hold additional meetings at the call of the chair or upon the request of 4  
23 members. A quorum for the conduct of official business shall be a majority of those appointed.  
24 Board members shall serve without compensation, but shall be reimbursed for actual and  
25 reasonable expenses incurred in the performance of their duties. The members shall be public  
26 employees for the purposes of chapter 258 for all acts or omissions within the scope of their  
27 duties as board members.

28 SECTION 2. Chapter 112 of the General Laws is hereby amended by adding the  
29 following 10 sections:

30 Section 236. For the purposes of this section and sections 237 to 245, inclusive, the  
31 following terms shall have the following meanings unless the context clearly requires otherwise:

32 “Approved naturopathic medical college”, a naturopathic medical education program in  
33 the United States providing the degree of Doctor of Naturopathy or Doctor of Naturopathic  
34 Medicine. Such program shall offer graduate-level full-time didactic and supervised clinical  
35 training and shall be accredited, or has achieved candidacy status for accreditation by the  
36 Council on Naturopathic Medical Education (CNME) or an equivalent federally recognized  
37 accrediting body for naturopathic medical programs also recognized by the Board. Additionally,  
38 the program shall be an institution, or part of an institution of higher education that is either  
39 accredited or is a candidate for accreditation by a regional or national institutional accrediting  
40 agency recognized by the United States Secretary of Education

41 “Board”, the board of registration in naturopathy established in section 101 of chapter 13.

42 “Homeopathic preparations”, medicines prepared according to the Homeopathic  
43 Pharmacopoeia of the United States.

44 “Naturopathic doctor”, a person who is licensed by the board to practice naturopathic  
45 health care pursuant to this chapter.

46 “Naturopathic health care”, a system of health care practices for the prevention,  
47 diagnosis, evaluation and treatment of illnesses, injuries and conditions of the human body  
48 through the use of education, nutrition, natural medicines and therapies and other modalities  
49 which are designed to support, stimulate or supplement the human body’s own natural self-  
50 healing processes.

51 “Naturopathic manipulative therapy”, the manually-administered mechanical treatment of  
52 body structures or tissues in accordance with naturopathic principles for the purpose of restoring  
53 the normal physiological function of the human body.

54 “Naturopathic physical medicine”, the therapeutic use of the physical agents of air, water,  
55 heat, cold, sound, light and electromagnetic non-ionizing radiation and the physical modalities of  
56 electrotherapy, diathermy, ultraviolet light, ultrasound, hydrotherapy, naturopathic manipulative  
57 therapy and therapeutic exercise.

58 “Person”, an individual; provided, however, that “person” shall not include a partnership,  
59 corporation, association or business organization of any kind.

60 Section 237. (a) The practice of naturopathic health care shall include, but not be limited  
61 to:

62 (1) the prevention and treatment of human illness, injury or disease through education,  
63 dietary or nutritional advice and the promotion of healthy ways of living;

64 (2) the use of physical examinations and the ordering of clinical, laboratory and  
65 radiological diagnostic procedures from licensed clinics or laboratories for the purpose of  
66 diagnosing and evaluating injuries, illnesses and conditions in the human body;

67 (3) dispensing, administering, ordering and prescribing to prevent or treat illnesses,  
68 injuries and conditions of the human body: natural medicines of mineral, animal or botanical  
69 origin, including food products or extracts, vitamins, minerals, enzymes, digestive aids; natural  
70 hormones; plant substances; homeopathic preparations; natural antibiotics, topical medicines and  
71 nonprescription drugs; therapeutic devices and barrier contraceptives; and

72 (4) the use of manual mechanical manipulation of body structures or tissues, in  
73 accordance with naturopathic principles; the use of naturopathic physical medicine for the  
74 purpose of maintaining or restoring normal physiological functioning of the human body.

75 (b) The practice of naturopathic health care shall not include:

76 (1) performing surgery or abortions or the administration of therapeutic ionizing  
77 radiation, radioactive substances or general or spinal anesthesia;

78 (2) prescribing, dispensing or administering a drug classified as a controlled substance  
79 under chapter 94C;

80 (3) the practice of acupuncture and Traditional Chinese Medicine; or

81 (4) the practice of emergency medicine, except as a person rendering gratuitous services  
82 in an emergency or for the care of minor injuries.

83 (c) Nothing in sections 236 to 244, inclusive, shall prohibit or restrict:

84 (1) a person who is licensed, certified or registered to practice a profession or occupation  
85 under any other law from engaging in activities which are within the lawful scope of practice for  
86 the profession or occupation for which he is licensed;

87 (2) the practice of naturopathic health care by a person employed by the government of  
88 the United States if that person engages in such practice in the performance of his duties as such  
89 an employee;

90 (3) the practice of naturopathic health care by students enrolled in an approved  
91 naturopathic medical college; provided, however, that the performance of all such services shall  
92 be pursuant to a course of instruction or assignments from and under the supervision of an  
93 instructor who is licensed as a naturopathic doctor pursuant to this chapter or a licensed  
94 professional in the field in which he or she is providing instruction;

95 (4) Any person from treating himself or a member of his immediate family based on  
96 religious or health beliefs;

97 (5) Any person who sells vitamins and herbs from providing information about his  
98 products; or

99 (6) a person or practitioner who is not licensed as a naturopathic doctor pursuant to this  
100 chapter from recommending ayurvedic medicine, herbal remedies, nutritional advice,  
101 homeopathy or any other therapy that is within the scope of practice of naturopathic health care;  
102 provided, however, that such person or practitioner shall not represent himself or hold himself  
103 out to the public as practicing naturopathic health care in the commonwealth or otherwise use  
104 any name, title or other designation which indicates or implies that he is licensed to practice  
105 naturopathic health care.

106 (d) Licensed naturopathic doctors shall have the same authority and responsibilities as  
107 licensed physicians regarding public health laws, reportable diseases and conditions,  
108 communicable disease control and prevention, recording of vital statistics, health and physical  
109 examinations and local boards of health, except that the authority of licensed naturopathic  
110 doctors regarding such matters shall be limited to the scope of practice authorized by this  
111 chapter.

112 Section 238 (a) The board shall have the following powers and duties:

113 (1) to adopt rules and regulation governing the licensing of naturopathic doctors and the  
114 practice of naturopathic health care to promote the public health, welfare and safety of the  
115 citizens of the commonwealth including, but not limited to:

116 (i) regulations governing the activities of naturopathic medical assistants;

- 117 (ii) requirements for specialty practice by licensed naturopathic doctors; and  
118 (iii) continuing education requirements for the renewal of licenses including, but  
119 not limited to, the number of hours required, the subjects required and board approval of  
120 continuing education programs or lectures;
- 121 (2) to receive, review and approve or disapprove applications for licensing and to issue  
122 licenses;
- 123 (3) to establish administrative procedures for processing applications and renewals;
- 124 (4) to establish a code of ethics for naturopathic doctors;
- 125 (5) to establish and maintain records of its actions and proceedings in accordance with the  
126 public records laws;
- 127 (6) to perform such other functions and duties as may be necessary to carry out the  
128 provisions of this chapter.
- 129 (b) The board shall have the right to investigate all complaints relating to the proper  
130 practice of naturopathy, including any violations of this chapter or any rule or regulation of the  
131 board. Such complaints may be brought by any person or the board.
- 132 (c) The board shall be under the supervision of the division of professional licensure and  
133 it shall have the powers and duties provided in sections 61 to 65E , inclusive . For the purposes  
134 of this section and sections 61 to 65E, inclusive, conduct which places into question the holder's  
135 competence to practice naturopathy shall include, but not be limited to:
- 136 (1) the commission of fraud or misrepresentation in obtaining a license;
- 137 (2) criminal conduct which the board determines to be of such a nature as to render the  
138 person unfit to practice naturopathy, as evidenced by criminal proceedings resulting in a  
139 conviction, a guilty plea, a plea of nolo contendere or an admission of sufficient facts;
- 140 (3) violation of a rule or regulation of the board;
- 141 (4) failure to cooperate with the board or its agents in the conduct of an inspection or  
142 investigation;
- 143 (5) failure to fulfill any continuing education requirements set out by the board;
- 144 (6) aiding or abetting an unlicensed person to practice naturopathy; or
- 145 (7) negligence in the course of professional practice.

146 (d) The board may issue an order to a licensee directing him to cease and desist from  
147 unethical or unprofessional conduct if the board finds, after notice and the opportunity for a  
148 hearing, that the licensee has engaged in such conduct.

149 (e) Nothing in this section shall limit the board's authority to impose, by agreement,  
150 sanctions that are considered reasonable and appropriate by the board. Any person aggrieved by  
151 any disciplinary action taken by the board pursuant to this section or for violation of any other  
152 law or rule or regulations may, pursuant to section 64, file a petition for judicial review.

153 Section 239. (a) An application for original licensure as a naturopathic doctor shall be  
154 made on forms approved by the board. Such application shall be sworn and shall be accompanied  
155 by payment of the fee prescribed by the secretary of administration pursuant to section 3B of  
156 chapter 7. The board shall issue a license as a naturopathic doctor to an applicant upon receipt of  
157 satisfactory proof that the applicant:

158 (1) is at least 18 years old and of good moral character; and

159 (2) possesses a baccalaureate degree from an accredited educational institution or its  
160 equivalent, as determined by the board;

161 (3) has graduated from and holds a doctor of naturopathic medicine or doctor of  
162 naturopathy degree from:

163 (a) an approved naturopathic medical college as defined in section 236; or

164 (b) a degree granting college or university that, prior to the existence of the CNME,  
165 offered a full-time structured curriculum in basic sciences and supervised patient care comprising  
166 a doctoral naturopathic medical education; such course, as a prerequisite to graduation there  
167 from, having been not less than 132 weeks in duration and which required completion within a  
168 period of not less than 35 months; such college of naturopathic medicine shall have been  
169 reputable and in good standing in the judgment of the Board; and if still in existence has current  
170 programmatic accreditation by the CNME or federally recognized equivalent accrediting agency;  
171 or

172 (c) a diploma granting, degree-equivalent college or university, that if in Canada and  
173 prior to accreditation by the CNME, had provincial approval for participation in government  
174 funded student aid programs, and that offered a full-time structured curriculum in basic sciences  
175 and supervised patient care comprising a doctoral naturopathic medical education; such course,  
176 as a prerequisite to graduation there from, having been not less than 132 weeks in duration and  
177 shall require completion within a period of not less than 35 months; such college of liberal arts  
178 and naturopathic medicine having been reputable and in good standing in the judgment of the  
179 Board; and if still in existence has current programmatic accreditation by the CNME or federally

180 recognized equivalent accrediting agency. Additionally, this college or university currently has  
181 provincial approval for participation in government funded student aid programs; or:

182 (d) a diploma granting, degree-equivalent college or university in Canada that offers  
183 graduate-level full-time didactic and supervised clinical training and shall be accredited, or has  
184 achieved candidacy status for accreditation by the Council on Naturopathic Medical Education or  
185 an equivalent federally recognized accrediting body for naturopathic medical programs also  
186 recognized by the Board. Additionally, this college or university has provincial approval for  
187 participation in government funded student aid programs.

188 (4) (a) successfully passed a competency-based national naturopathic licensing  
189 examination administered by the North American Board of Naturopathic Examiners, or  
190 successor agency that has been nationally recognized to administer a naturopathic examination  
191 that represents federal standards of education and training; or

192 (b) if graduating from an institution outlined in Section 239, (b), 3, b, c, or d, has  
193 successfully passed a state or provincial (Canadian) competency-based licensing examination  
194 that was substantially similar to the licensing examination outlined in Section 239 (4) (a).

195 (5) has not had a license to practice naturopathic medicine or other health care license  
196 registration or certificate refused, revoked or suspended by any other jurisdiction for reasons that  
197 relate to the applicant's ability to skillfully and safely practice naturopathic medicine unless that  
198 license, registration or certification has been restored to good standing by that jurisdiction.

199 Section 240. The board, in consultation with the division of professional licensure, shall  
200 determine the renewal cycle and renewal period for naturopathic licenses. A naturopathic doctor  
201 licensed under this chapter shall apply to the board for renewal of his license on or before the  
202 expiration date, as determined by the board, unless earlier revoked, suspended or canceled as a  
203 result of a disciplinary proceeding instituted pursuant to section 243. As a condition for renewal  
204 under this section, the board may require a naturopathic doctor to furnish the board with  
205 satisfactory proof that he has successfully completed the required number of hours of continuing  
206 education for naturopathic doctors in courses or programs approved by the board has complied  
207 with such other requirements or equivalent requirements as approved by the board. Upon  
208 satisfactory compliance with the licensing requirements for naturopathic doctors and successful  
209 completion of the continuing education requirements, the board shall issue a renewal license.  
210 The board may provide for the late renewal of a license that has lapsed and may require payment  
211 of a late fee.

212 Section 241. Each licensed naturopathic doctor shall advise the board, in writing, of the  
213 address of his principal place of business and all other addresses at which he is currently engaged  
214 in practice. The naturopathic doctor shall immediately provide written notice to the board of any  
215 change in the address of any place of business at which he practices. He shall also advise the  
216 board, in writing, of his current residential address and of any change thereof.

217 Section 242. (a) No person shall represent himself or hold himself out to the public as a  
218 licensed naturopathic doctor in the commonwealth unless he is licensed pursuant to this chapter.  
219 A person who is not licensed pursuant to this act shall not use any of the following titles:  
220 naturopathic physician, naturopathic practitioner, natural doctor , naturopathic doctor, doctor of  
221 naturopathy, doctor of natural medicine, doctor of naturopathic medicine, NMD, N.D,  
222 naturopath or any other term that indicates or implies that the person is licensed to practice any  
223 form of naturopathic health care in the commonwealth. The board of registration in naturopathy  
224 may modify the list of titles.

225 (b) Nothing in this section shall prevent a person who is licensed under this statute from  
226 disclosing that he is a member of the American Association of Naturopathic Physicians.

227 (c) A person acting or purporting to act as a naturopathic doctor without first obtaining a  
228 license under this chapter shall be punished by a fine of not more than \$5,000 or by  
229 imprisonment for not more than 1 year, or both. Upon conviction of a second or subsequent  
230 offense, such person shall be punished by a fine of not more than \$10,000 or by imprisonment  
231 for not more than 2 years, or both(d) (d) A person who receives money or an equivalent thing of  
232 value as a fee, commission, compensation or profit by or as the consequence of a violation of  
233 sections 237 to 243, inclusive, shall, in addition to any other penalty, be liable for a fine of not  
234 less than the sum of the money so received and not more than 3 times the sum so received, as  
235 determined by the board.

236 (e) No action shall be commenced and no recovery shall be had by any person for  
237 compensation for any act performed or service rendered by him as a licensed naturopathic  
238 practitioner unless such person held a current valid license under this chapter at the time of  
239 performance of such act or service.

240 Section 243. All licensing and application fees and civil administrative penalties collected  
241 pursuant to sections 236 to 244, inclusive, shall be deposited into the trust fund established in  
242 section 35V of chapter 10.

243 Section 244. Nothing in sections 236 to 244 of this chapter shall be construed as  
244 requiring reimbursement by insurance policies purchased under chapter 32A, an insurer licensed  
245 or otherwise authorized to transact accident and health insurance under chapter 175; a nonprofit  
246 hospital service corporation organized under chapter 176A; a non-profit medical service  
247 corporation organized under chapter 176B; or a health maintenance organization organized under  
248 chapter 176G.

249 SECTION 3. A license to practice as a naturopathic doctor may be issued without  
250 examination to an applicant who meets the requirements of subsections (1 ,2,3 and 5), of section  
251 239 of chapter 112 of the General Laws if he submits satisfactory proof to the board that he is or  
252 has been actively engaged in the practice of naturopathic health care for compensation in the  
253 Commonwealth for at least 5 of the last 10 years immediately preceding the effective date of this

254 act. Applications for licensure under this section shall be filed with the board not later than 18  
255 months after the effective date of this act.

256 SECTION 4. The terms of the initial appointed members of the board of registration in  
257 naturopathy pursuant to section 101 of chapter 13 of the General Laws shall be as follows: 2  
258 shall serve for a term of 1 year; 2 shall serve for terms of 2 years and the remaining 3 shall serve  
259 for terms of 3 years. The 5 members required to be naturopathic doctors shall be persons with 5  
260 years of experience in the practice of naturopathic health care who would be eligible for  
261 licensure in the commonwealth if said section 101 of said chapter 13 were in effect prior to the  
262 effective date of this act and must have attended and graduated from an approved naturopathic  
263 college that is accredited, or is a candidate for accreditation, by the Council of Naturopathic  
264 Medical Educators or its successor.

265 SECTION 5. The punishment provisions of section 243 of chapter 112 of the General  
266 Laws shall take effect not later than 6 months after the board of registration in naturopathy first  
267 issues licenses pursuant to said chapter 112. 0.

268 SECTION 6. This act shall take effect in 180 days.